

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL P. AND SHELLIE GILMOR,)
)
)
Plaintiffs,)
)
v.) **Case No. 4:10-cv-00189-ODS**
)
)
PREFERRED CREDIT CORPORATION,)
et al.,)
)
Defendants.)

ORDER ADDRESSING DISCOVERY ISSUES

On March 2, 2011, the Court participated in a telephone conference with attorneys for Plaintiffs and the IMPAC Defendants. After considering the written submissions and the arguments presented, the Court enters this order addressing discovery issues in the case.

The Court reiterates the comments made at the close of the telephone conference, that it expects the parties to work diligently to complete discovery within the time frames established by the Federal Rules and by the orders of this Court, and that the parties are to cooperate with one another to the greatest extent possible to ensure that discovery is completed timely and appropriately. The Court's impression is that the IMPAC Defendants have not committed the appropriate appropriate amount of attention, energy, and resources necessary to respond to the discovery requests. The IMPAC Defendants are advised that they must make this litigation a higher priority, lest the Court resort to more painful (i.e., monetary) penalties to demonstrate the Court's commitment to the expeditious and timely resolution of this lawsuit.

It is hereby ORDERED that on or before April 1, 2011, the IMPAC Defendants shall produce

1. Each class member's loan file, payment history, and assignment history, OR information indicating the documents' fate if such documents are no longer within the possession, custody, or control of the IMPAC Defendants, and
2. Amended responses to all of Plaintiffs' interrogatories and document requests.

Many objections to these discovery requests have been addressed (some in the context of other defendants' objections), and the IMPAC Defendants declared they do not intend to assert any objections that have been previously overruled. Therefore, the IMPAC Defendants' responses will be made without objection except for attorney-client privilege (and the Court doubts the privilege applies to the discovery requests at issue).

IT IS SO ORDERED.

DATE: March 3, 2011

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT